

## SCRUTINY BOARD (STRATEGY AND RESOURCES)

---

Meeting to be held in Civic Hall, Leeds, LS1 1UR on  
Friday, 7th October, 2022 at 10.00 am

*There will be no pre meeting for members of the Scrutiny Board.*

---

### BOARD MEMBERSHIP

|                             |                         |
|-----------------------------|-------------------------|
| Councillor G Almass         | - Beeston & Holbeck     |
| Councillor S Burke          | - Middleton Park        |
| Councillor P Carlill        | - Calverley & Farsley   |
| Councillor D Chapman        | - Rothwell              |
| Councillor R Finnigan       | - Morley North          |
| Councillor S Firth          | - Harewood              |
| Councillor B Flynn          | - Adel & Wharfedale     |
| Councillor M France-Mir     | - Moortown              |
| Councillor C Gruen          | - Bramley & Stanningley |
| Councillor K Ritchie        | - Bramley & Stanningley |
| Councillor A Scopes (Chair) | - Beeston & Holbeck     |

**To Note:** Please do not attend the meeting in person if you have symptoms of Covid-19 and please follow current public health advice to avoid passing the virus onto other people.

**Note to observers of the meeting:** To remotely observe this meeting, please click on the 'To View Meeting' link which will feature on the meeting's webpage (linked below) ahead of the meeting. The webcast will become available at the commencement of the meeting.

[Scrutiny Board \(Strategy & Resources\): 7 October 2022](#)

---

**Principal Scrutiny Adviser:**  
**Rob Clayton**  
**Tel: 37 88790**

# A G E N D A

| Item No | Ward/Equal Opportunities | Item Not Open |   | Page No |
|---------|--------------------------|---------------|---|---------|
| 1       |                          |               | <p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25* of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded).</p> <p>(* In accordance with Procedure Rule 25, notice of an appeal must be received in writing by the Head of Governance Services at least 24 hours before the meeting).</p>   |         |
| 2       |                          |               | <p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED –</b> That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:</p> <p><b>No exempt items have been identified.</b></p> |         |

| Item No | Ward/Equal Opportunities | Item Not Open |  | Page No |
|---------|--------------------------|---------------|--|---------|
| 3       |                          |               | <p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes.)</p>   |         |
| 4       |                          |               | <p><b>DECLARATION OF INTERESTS</b></p> <p>To disclose or draw attention to any interests in accordance with Leeds City Council's 'Councillor Code of Conduct'.</p>   |         |
| 5       |                          |               | <p><b>APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES</b></p> <p>To receive any apologies for absence and notification of substitutes.</p>   |         |
| 6       |                          |               | <p><b>CALL IN BRIEFING PAPER</b></p> <p>To consider a report from the Head of Democratic Services advising the Scrutiny Board on the procedural aspects of Calling In the decision.</p>  | 5 - 10  |
| 7       |                          |               | <p><b>TAXI &amp; PRIVATE HIRE LICENSING - RESULTS OF CONSULTATION ON SUITABILITY (MINOR MOTORING CONVICTIONS)</b></p> <p>To consider a report from the Head of Democratic Services. This presents background information relating to an Executive Board decision, which has been 'called in' in accordance with procedures set out within the Council's Constitution.</p> <p>The original decision taken by the Executive Board on 21 September 2022 relates to Taxi &amp; Private Hire Licensing - Results of Consultation on Suitability (Minor Motoring Convictions).</p> | 11 - 52 |
| 8       |                          |               | <p><b>OUTCOME OF THE CALL IN</b></p> <p>To consider the Board's formal conclusions and recommendations arising from the consideration of the called-in decision.</p>   |         |

| Item No | Ward/Equal Opportunities | Item Not Open |   | Page No |
|---------|--------------------------|---------------|---|---------|
| 9       |                          |               | <p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>The next meeting of the Scrutiny Board will take place on <b>7 November 2022 at 10am</b>. There will be a pre-meet for Board members at <b>9.45am</b>.</p> |         |

## Call In Briefing Paper

Date: 7 October 2022

Report of: Head of Democratic Services

Report to: Scrutiny Board (Strategy and Resources)

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

### Brief summary

In accordance with the Council's Constitution, an Executive Board decision has been Called In. The background papers to this decision are set out as a separate agenda item and appropriate witnesses have been invited to give supporting evidence.

This report advises the Scrutiny Board on the procedural aspects of Calling In the decision.

In particular, the Board is advised that the Call In is specific to the relevant report considered by the Executive Board and issues outside of this decision, including other related decisions, may not be considered as part of the Board's decision regarding the outcome of the Call In.

### Recommendations

- a) The Scrutiny Board is asked to note the contents of this report and to adopt the procedure as detailed within it.

## **What is this report about?**

- 1 In accordance with the Council's Constitution, an Executive Board decision has been Called In. This report advises the Scrutiny Board on the procedural aspects of Calling In the decision.

## **What impact will this proposal have?**

- 2 The Call-In process provides the facility for the Scrutiny Board to require a decision taker to reconsider a decision within a specified time period. This is a separate function from the Scrutiny Board's ability to review decisions already taken and implemented. The eligibility of an Executive Board decision for Call In is indicated in the minutes of the relevant meeting.
- 3 The Board is advised that the Call In is specific to the relevant report considered by the Executive Board and issues outside of this decision, including other related decisions, may not be considered as part of the Board's decision regarding the outcome of the Call In.

### Reviewing the decision

- 4 Due to the unique nature of Call In, which includes the requirement to conclude the meeting with a recommendation in one sitting, it is important that the meeting has a managed framework. The Scrutiny Board is therefore recommended to adopt the following process:
  - The lead signatory of the Call-In request will outline their reasons for calling in the decision, defining their concerns and explaining what remedial action they wish to see. If the Chair has agreed in advance that they may be accompanied by other witnesses, these witnesses will also be given the opportunity to briefly outline their concerns in relation to the decision in question.
  - Members of the Scrutiny Board will ask any questions and points of clarification.
  - At this point, the Members who signed the Call-In request and any accompanying witnesses will leave the witness table.
  - The Executive Member(s) and/or officer(s) who are representing the decision maker will be invited to join the witness table.
  - The representatives of the decision maker will respond to the issues raised by the Call-In request.
  - Members of the Scrutiny Board will ask any questions and points of clarification.
  - If necessary, this stage may involve further questioning by Board members of the witnesses in support of the Call-In request. For the avoidance of doubt, there is no provision for the witnesses to cross-question one another.
  - Once Members of the Scrutiny Board have completed their questioning of witnesses, the representatives of the decision maker will leave the witness table.
  - A representative on behalf of each of the parties to the Call In will be invited to join the witness table to sum up. The representative of the decision maker will be invited to sum up first if they wish to do so. Following this, the representative of the signatories to the Call-In request will be invited to sum up having heard the discussion.
  - The Scrutiny Board will then proceed to make its decision in relation to the Call In.

- 5 Having reviewed the decision, the Scrutiny Board will need to agree what action it wishes to take. In doing so, it may pursue one of two courses of action as set out below:

#### Option 1- Release the decision for implementation

- 6 Having reviewed this decision, the Scrutiny Board may decide to release it for implementation. If the Scrutiny Board chooses this option, the decision will be immediately released for implementation and the decision may not be Called In again.

#### Option 2 - Recommend that the decision be reconsidered

- 7 The Scrutiny Board may decide to recommend to the decision maker that the decision be reconsidered. If the Scrutiny Board chooses this option a report will be submitted to the decision maker.
- 8 In the case of an Executive Board decision, the report of the Scrutiny Board will be prepared within three working days of the Scrutiny Board meeting and submitted to the Executive Board. Any report of the Scrutiny Board will be referred to the next Executive Board meeting for consideration.
- 9 In reconsidering the decision and associated Scrutiny Board report, the Executive Board may vary the decision or confirm its original decision. In either case, this will form the basis of the final decision and will not be subject to any further call-in.

#### Failure to agree one of the above options

- 10 If the Scrutiny Board, for any reason, does not agree one of the above courses of action at this meeting, then Option 1 will be adopted by default, i.e. the decision will be released for implementation with no further recourse to Call In.

#### Formulating the Board's report

- 11 If the Scrutiny Board decides to release the decision for implementation (Option 1), then the Scrutiny Support Unit will process the necessary notifications and no further action is required by the Board.
- 12 If the Scrutiny Board wishes to recommend that the decision be reconsidered (Option 2), then it will be necessary for the Scrutiny Board to agree a report setting out its recommendation together with any supporting commentary.
- 13 Due to the tight timescales within which a decision Call In must operate, it is important that the principles of the Scrutiny Board's report be agreed at the meeting.
- 14 If the Scrutiny Board decides to pursue Option 2, it is proposed that there be a short adjournment during which the Chair, in conjunction with the Scrutiny Support Service, should prepare a brief statement proposing the Scrutiny Board's draft recommendations and

supporting commentary. Upon reconvening, the Scrutiny Board will be invited to amend/agree this statement as appropriate.

15 This statement will then form the basis of the Scrutiny Board’s report (together with factual information as to details of the Called In decision, lists of witnesses, evidence considered, Members involved in the Call-In process etc).

16 The Scrutiny Board is advised that there is no provision within the Call-In procedure for the submission of a Minority Report.

**How does this proposal impact the three pillars of the Best City Ambition?**

- Health and Wellbeing                       Inclusive Growth                       Zero Carbon

17 The background papers to the decision under consideration will make any relevant references to the council’s three Key Pillars.

**What consultation and engagement has taken place?**

|  |
|--|
| Wards affected:  |
| Have ward members been consulted? <input type="checkbox"/> Yes <input type="checkbox"/> No |

18 Prior to submitting a Call In, a nominated signatory must first contact the relevant officer or Executive Member to discuss their concerns and their reasons for wanting to call in the decision. Part of this discussion must include the Member ascertaining the financial implications of requesting a Call In. The details of this discussion should be referenced on the Call-In Request Form.

19 The background papers to this particular decision will make reference to any internal or external consultation processes that have been undertaken in relation to the decision.

**What are the resource implications?**

20 The additional papers appended to later items on this agenda detail any significant resource and financial implications linked to the decision

**What are the key risks and how are they being managed?**

21 The additional papers appended to later items on this agenda detail any significant risks linked to the decision

**What are the legal implications?**

22 This report does not contain any exempt or confidential information.

23 The additional papers appended to later items on this agenda detail any significant legal implications linked to the decision

**Options, timescales and measuring success**

**What other options were considered?**

24 A Call In is progressed in line with the procedures set out in section 4B of the Council Constitution - [Executive Decision-Making Procedures](#).

**What is the timetable and who will be responsible for implementation?**

- 25 Where a decision is released, a call in release form is sent to the relevant director to confirm that the decision can be implemented.
- 26 Where a decision is referred for reconsideration the Scrutiny Officer is required to prepare a report within three working days of the Scrutiny Board meeting, which will be submitted to the Executive Board, Health and Well-Being Board or senior Officer as appropriate.
- 27 In the case of the Executive Board or Health and Well-Being Board the report will then be taken to the next public meeting. This will be considered alongside the original decision – with that decision either re-confirmed or a new decision taken. The outcome of that process – be it a re-confirmation or a new decision – cannot be subject to future call-in.

### **Appendices**

- None

### **Background papers**

- None

This page is intentionally left blank

Call In: Taxi & Private Hire Licensing – Results of consultation on suitability (minor motoring convictions)

Date: 7 October 2022

Report of: Head of Democratic Services

Report to: Scrutiny Board (Strategy & Resources)

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

## Brief summary

This report presents the background to a decision, which has been Called In in accordance with the Council's Constitution.

## Recommendations

- a) The Scrutiny Board (Strategy & Resources) is asked to review this decision and to determine whether to either:
- Release the decision for implementation
  - Recommend to the decision-maker that the decision should be reconsidered

## What is this report about?

- 1 In accordance with the Council's Constitution, an Executive Board decision has been Called In. The decision was made by the [Executive Board on 21 September 2022](#) and relates to Taxi & Private Hire Licensing – Results of consultation on suitability (minor motoring convictions).
- 2 Leeds City Council's Call In processes are set out within part 4 (Rules of Procedure) of the Council's constitution. Section 4B relates to [Executive Decision-Making Procedures](#) with call-in procedures detailed in paragraphs 5.1.2 to 5.1.5.

## What impact will this proposal have?

- 3 The Call-In process provides the facility for the Scrutiny Board to require a decision taker to reconsider a decision within a specified timeframe.
- 4 The Scrutiny Board is advised that the Call In is specific to the relevant report considered by the Executive Board and issues outside of this decision, including other related decisions, may not be considered as part of the Board's decision regarding the outcome of the Call In.

## What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted?       Yes                       No

- 5 Prior to submitting a Call In, a nominated signatory must first contact the relevant officer and/or Executive Member to discuss their concerns and their reasons for wanting to call in the decision. Part of this discussion must include the Member ascertaining the financial implications of requesting a Call In. The detail of this discussion is referenced on the Call In Request Form, which is appended to this report.
- 6 Appropriate Members and officers have been invited to attend the meeting to explain the decision and respond to questions from members of the Scrutiny Board (Strategy & Resources).

## What are the resource implications?

- 7 The appended report to the Executive Board references any significant resource and financial implications linked to the decision.

## What are the key risks and how are they being managed?

- 8 The appended report to the Executive Board references any risk management issues linked to the decision.

## What are the legal implications?

- 9 The appended report to the Executive Board references any legal implications linked to the decision.

## Options, timescales and measuring success

### What other options were considered?

- 10 A Call In is progressed in line with the procedures set out in section 4B of the Council Constitution - [Executive Decision-Making Procedures](#).

### How will success be measured?

- 11 A Call In is progressed in line with the procedures set out in section 4B of the Council Constitution - [Executive Decision-Making Procedures](#).

### What is the timetable and who will be responsible for implementation?

- 12 Where a decision is released, a call in release form is sent to the relevant director to confirm that the decision can be implemented.
- 13 Where a decision is referred for reconsideration the Scrutiny Officer is required to prepare a report within three working days of the Scrutiny Board meeting, which will be submitted to the Executive Board, Health and Well-Being Board or senior Officer as appropriate.
- 14 In the case of the Executive Board or Health and Well-Being Board the report will then be taken to the next public meeting. This will be considered alongside the original decision – with that decision either re-confirmed or a new decision taken. The outcome of that process – be it a re-confirmation or a new decision – cannot be subject to future call-in.

## **Appendices**

- Appendix 1 - Copy of the completed Call-In request form
- Appendix 2 - Report of the Director of Communities, Housing and Environment presented to Executive Board at its meeting on 21 September 2022.
- Appendix 3 - Extract from the draft minutes of the Executive Board meeting held on 21 September 2022.

## **Background papers**

- None

This page is intentionally left blank

**CALL IN REQUEST**

Date of decision publication: **23<sup>rd</sup> September 2022**

Delegated decision ref: N/A

Executive Board Minute no: **43**

Decision description: **Taxi & Private Hire Licensing - Results of consultation on suitability (minor motoring convictions)**

**Discussion with Decision Maker:**

Prior to submitting a Call In, a nominated signatory must first contact the relevant officer or Executive Member to discuss their concerns and their reasons for wanting to call in the decision. Part of this discussion must include the Member ascertaining the financial implications of requesting a Call In.

Please identify contact and provide detail.

- Director/author of delegated decision report.
- Executive Board Member

Detail of discussion (to include financial implications)

Cllr Billy Flynn met with **Cllr Coupar** and **John Mulcahy** on **28<sup>th</sup> September** to outline concerns with the proposals and reasons for wanting to call-in the decision. These reasons related to proportionality, clarity of aims and outcomes, and due account being taken of points raised during the consultations (these reasons are expanded on in the section below).

Cllr Flynn asked about the financial implications of requesting a call in and was informed that there are no implications.

**Reasons for Call In:**

All requests for Call In must detail why, in the opinion of the signatories, the decision was not taken in accordance with the principles set out in Article 13 of the Council constitution (decision making) (principles of decision making) or where relevant issues do not appear to be taken into consideration. *Please tick the relevant box(es) and give an explanation.*

|          |  |
|----------|--|
| <b>X</b> | Proportionality (ie the action must be proportionate to the desired outcome)         |
| <b>X</b> | Due consultation and the taking of professional advice from officers                 |
|          | Respect for human rights   |
|          | A presumption in favour of openness  |
| <b>X</b> | Clarity of aims and desired outcomes   |
| <b>X</b> | An explanation of the options considered and details of the reasons for the decision |
|          | Positive promotion of equal opportunities  |
|          | Natural justice  |

**Explanation**

The Executive Board papers and supporting documentation refer to Statutory Guidance but this guidance is clear that it need not be implemented if there are compelling local reasons why it should not be. We submit that there are good and compelling local reasons as follows to maintain the current minor convictions element of the driver suitability policy.

We place the utmost importance on the safety of Leeds passengers and want to see a licensing regime that both protects them and supports drivers to carry out their trade responsibly. Leeds has for some years been recognised as having some of the most stringent prerequisites when considering driver suitability and vehicle conditions. The city was unusual in that it developed a comprehensive policy in 2013 on how convictions should be treated when considering driver suitability. Most local authorities did not publish their own convictions policy until after 2017 so we already have considerable experience in the field.

Accordingly, we would question whether the proposals to change the council's driver suitability and convictions policy (minor motoring convictions) are proportionate and appropriate at this time, and whether the council has taken due account of the concerns raised by drivers in the consultation rounds. If implemented as currently drafted, we are concerned that the changes will have a negative impact on Leeds taxi and private hire licence holders and we would therefore like to see scrutiny take an independent look at the issue and provide greater clarity on the detail and impact of what is proposed.

In terms of proportionality and timing, we would question whether the significant changes being proposed are fairly directed and whether the current high standards in Leeds necessitate a policy change on this scale. To use an old but still very appropriate adage "If it ain't broke, why fix it?". Since the motoring convictions element of the suitability policy was introduced nearly 9 years ago to date, only 6 drivers have had their licences revoked and just 2 refused for accumulated points. Some would argue this is hardly a major safeguarding concern demanding urgent review. It is also understood that there is very little, if any, harmonisation nationally across authorities which could lead to significant issues with 'cross-border' trade where drivers come from areas with less stringent rules and trade in Leeds – some even use RAG (red/amber/green) status or timing of convictions rather than a points basis.

As the Executive Board report illustrates, 83% of taxi and private hire drivers have zero points on their licence. Only 69 drivers, a little over 1% of all taxi and private hire drivers, have 7 or more points. Furthermore, the trade has been under a great amount of strain throughout the pandemic

and has lost a considerable number of drivers. The trade is arguably amongst the worst affected by the pandemic and least assisted financially because drivers are mainly self-employed, and indeed is still recovering. Is now the right time to be introducing such potentially disruptive changes? The proposals do not apply to other LCC employees or indeed other public transport drivers, for example bus drivers who arguably carry more passengers than the taxi and private hire trade.

We would also argue the consultation process was not carried out in accordance with the main guiding principles laid down by the Courts or with a public authority's duty to act fairly in the exercise of their functions as follows:

- The decision to reduce the number of points was predetermined by the decision makers, it was not changed in any way following the consultation despite overwhelming opposition from the trade and the significant divergence of opinion expressed by consultees;
- Linked to the above, it is considered that conscientious consideration was not given to the produce of the consultation because there is no evidence of this, for example an amendment to the proposals as a result of the consultation responses. This is an essential requirement of the main guiding principles for consultation;
- The data regarding the tiny number of revocations and refusals under the current policy was not communicated to the consultees as part of the consultation process;
- That insufficient account has been taken of the significant opposition to the proposals from the taxi trade, (94% of licence holders who responded to the consultation were opposed to the proposals) and we note that there has previously been some dissatisfaction with the consultation process itself. 1,481 people responded against the proposal (80% were licence holders); compared to 756 responded in favour of the proposal, (89% were members of the public, passenger or stakeholder group). This suggests a significant difference in views, but certainly more opposition than support, and a serious amount of continuing concern from licence holders themselves.

In addition, DfT Statutory Guidance on consultation recommends that *"Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trade's customers."* The consultees show that 93 (4%) of the responders were from members of the public who do not use taxi or private vehicles. Similarly a further 61 responders (3%) were undeclared. Thus, 4% of the responses did not comply with the Statutory Guidance on licensing consultation and a further 3% may not have.

Although not affecting the proposal regarding points, the Licensing Committee decided that for an initial 12 month pilot period any decision to revoke a licence on the basis of the new minor motoring convictions will be determined by a licensing sub-committee. This was tried some years ago and we understand had to be withdrawn because of undue pressure from the trade on elected members. Given the history and the reduction in points required for revocation, we think this unwise and wonder about the danger of inequitable treatment for drivers seen by different elected members for similar offences.

The scale of the opposition to the plans also raises questions about the clarity of the aims and desired outcomes of the proposal. As the report acknowledges, some respondents to the consultation appeared to be unclear as to what would happen when an already licensed driver reached 7 or 8 points and were concerned about a 'revoke first, ask questions later' approach. This suggests there was a lack of clarity in the Council's communication of its aims.

There is a legitimate question over whether the Council should proceed in the teeth of such opposition when there appears to be a lack of confidence from licence holders in the process.

**Leeds City Council Scrutiny Support**

For these reasons we believe the decision should be independently reviewed by the relevant scrutiny board.

A Call In request may be made by a **minimum** of:

**5 non-executive Members** of council from the **same political group**;

or;

**2 non-executive Members** of council if **they are not from the same political group**.

This Call In request should be submitted to Scrutiny Support, 1st Floor West, Civic Hall by 5.00pm by no later than the fifth working day after the decision publication date. The following signatories (**original signatures only**) request that the above decision be called in.

Nominated Signatory

Print name Cllr Billy Flynn

Political Group Conservative Group



Signature

Print name Cllr A Hutchinson

Political Group Morley Borough Independent



Signature

Print name Cllr Neil Buckley

Political Group Conservative Group



Signature

Print name Cllr Mike Foster

Political Group Conservative Group



Signature

Print name Cllr Linda Richards

Political Group Conservative Group



**Leeds City Council Scrutiny Support**

---

Signature

Print name Cllr Matthew Robinson

Political Group Conservative Group



**For office use only:** (box A)

Received on behalf of the Head of Democratic Services by:

Rebecca Atherton

Date: 29 September Time: 9am SSU ref: 2022/23- 76

**For office use only:** (box B)

Exemption status  
checked:

Call In authorised: Yes

Date checked:

Signed: Rebecca Atherton

Signatures checked:

Date: 29 September 2022

Receipts given:

Validity re article 13

This page is intentionally left blank

## Taxi & Private Hire Licensing – Results of consultation on suitability (minor motoring convictions)

Date: 21 September 2022

Report of: Director of Communities, Housing & Environment

Report to: Executive Board

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

### Brief summary

The council has been taking part in regional and national initiatives to review and update hackney carriage (taxi) and private hire policies and ways of working. One important area of this work has involved the council's approach to suitability and whether an individual is a fit and proper person to hold a licence.

The council has recently undertaken consultation on changing one of the criteria within the council's Suitability and Convictions policy for taxi and private hire licence holders, which relates to points on individuals' driving licences for minor motoring convictions.

This report sets out the results of that consultation and Licensing Committee's recommendation for a revised criterion for minor motoring convictions.

### Recommendations

Following consideration of this matter by Members of Licensing Committee on 9<sup>th</sup> August 2022, Members of Executive Board are recommended to agree the following as the basis for the council's new policy for minor motoring convictions:

- a) Applications for a new taxi or private hire driver licence will not be granted when an applicant has 7 or more points for minor motoring convictions showing on their driving licence.
- b) Existing licence holders reaching 7 or more points for minor motoring convictions will receive a warning and will only be required to attend appropriate training.
- c) Existing licence holders reaching 9 points or more for minor motoring convictions and who have previously attended training under this policy may have their licence refused or revoked dependent on the individual circumstances of the driver concerned and offences committed. In considering such action, the intention of the policy will be to only refuse or revoke a licence where there are very clear concerns for public safety.

Members of Executive Board should also note that Members of Licensing Committee have determined that for an initial 12-month pilot, any decision to revoke a licence on the basis of minor motoring convictions will be determined by a Licensing Sub Committee.

### What is this report about?

- 1 In October 2019, the council’s Executive Board approved a Suitability and Convictions policy, which took effect on 1 February 2020. The policy followed national and regional exploratory work and consultation to develop common approaches to determine an individual’s suitability to hold a taxi or private hire licence. The national suitability framework was developed in 2018 by the Institute of Licensing (IOL), in partnership with the Local Government Association, Lawyers in Local Government, and the National Association of Licensing and Enforcement Officers [https://www.instituteoflicensing.org/documents/Guidance\\_on\\_Suitability\\_Web\\_Version\\_\(16\\_May\\_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf) . The regional approach involved the five West Yorkshire authorities and the City of York council engaging or consulting on a common suitability policy.
- 2 The aim of these regional developments and the national framework were to introduce greater consistency to help in ensuring that licensing authorities would use the same approach to determine whether an individual would be issued with a licence, and if a period of refusal applied, the same length of refusal would apply across authorities. All of the six West Yorkshire and York (WY&Y) authorities started their consultation with the table of 15 conviction categories in the IOL national framework.
- 3 In line with the IOL national framework, Leeds City Council and the other WY&Y authorities consulted or engaged on the threshold for refusing a licence at 7 points for minor motoring convictions i.e. excluding major motoring convictions, which are a separate category. The five other WY&Y authorities have adopted and implemented policies with the 7 point threshold, based on the individual’s record for the last 3 years. However, following representation from the taxi and private hire trade in Leeds, Leeds City Council decided not to implement the criterion for minor motoring convictions. Instead, the minor motoring convictions criterion from the council’s previous Convictions policy was retained, allowing the council to refuse or revoke a licence at 12 points for accumulated minor motoring convictions, whilst a review of the minor motoring convictions criterion was conducted by a working group drawn from officers and stakeholders with a cross-section of views.
- 4 The working group concluded its review of minor motoring convictions and recommended the council consult on a revised criteria for minor motoring convictions. The outcome of this work resulted in a proposal to set the Leeds City Council standard lower (weaker) than the other WY&Y authorities and others nationally who have implemented the 7 point threshold. Since the WY&Y authorities engaged and consulted in 2018-19, the Department for Transport issued Statutory Guidance for taxi and private hire licensing, which included a section on suitability, advising licensing authorities they **must** have regard to the guidance and have clear and compelling reasons for departing from the standards in the guidance [Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/statutory-taxi-and-private-hire-vehicle-standards).
- 5 The chronology of the different versions of the criteria are listed in the table below to aid clarity:

| Version                       | Wording   |
|-------------------------------|---|
| Institute of Licensing (2018) | A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). <u>Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar</u> |

|  |  |
|--|--|
|  | <u>offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.</u>   |
| West Yorkshire & York consultation (2019)                                    | Minor traffic or vehicle related offences – offences which <u>do not involve</u> loss of life, driving under the influence of drink or drugs, driving whilst using a hand-held telephone or other device and has not resulted in injury to any person or damage to any property (including vehicles) <u>resulting in 7 or more points on a DVLA licence.</u> 3 years   |
| Leeds City Council criteria retained from previous Convictions policy (2020) | Convictions for minor traffic offences... should not prevent you from proceeding with an application or holding a licence. However, <u>if the number of current points on your DVLA licence exceeds 12 points then your application will be refused or the current licence suspended or revoked.</u> A further application will not be approved until the DVLA licence demonstrates that the number of current points on the licence is below 13 points.   |
| Leeds City Council Consultation (2021)                                       | Applications for a new taxi or private hire driver licence be refused when an applicant has 7 or more points for minor convictions showing on their driving licence;<br>Existing licence holders reaching 7 or 8 points for minor convictions will receive a warning and may be required to attend training; and<br>Existing licence holders reaching 9 or more points for minor convictions may have their licence refused or revoked.  |
| Leeds City Council Licensing Committee recommendation (2022)                 | Applications for a new taxi or private hire driver licence will not be granted when an applicant has 7 or more points for minor motoring convictions showing on their driving licence.<br>Existing licence holders reaching 7 or more points for minor motoring convictions will receive a warning and will only be required to attend appropriate training.<br>Existing licence holders reaching 9 points or more for minor motoring convictions and who have previously attended training under this policy may have their licence refused or revoked dependent on the individual circumstances of the driver concerned and offences committed. In considering such action, the intention of the policy will be to only refuse or revoke a licence where there are very clear concerns for public safety.<br>For an initial 12 month pilot, the decision whether to revoke a licence on the basis of minor motoring convictions will be determined by a Licensing Sub Committee. |

6 The council, as licensing authority, has the responsibility to ensure that taxi and private hire licence holders are safe and suitable to hold a licence. Passengers place a great deal of trust in their taxi and private hire operators and drivers and they are entitled to expect that operators and drivers meet high standards. In making decisions about the granting and renewal of licences, the council establishes the licence holder as someone who can be trusted to convey the passenger from A to B in safety, having regard to the fact that passengers can be vulnerable for a variety of reasons. The council's current scheme of sub-delegation gives officers the powers to revoke or refuse a licence.

- 7 Under law, the licensing authority has the legal responsibility to refuse a licence to an applicant, or to take the licence away from an individual, when it does not believe that person is suitable to hold a licence. The national and regional developments towards aligned policies make clear that driving record is relevant to whether a person is fit and proper, and also sets expectations that licensing authorities will only depart from national guidance where there are clear and compelling reasons to do so.
- 8 In 2021 the Licensing Committee set up a Working Group, formed of three councillors, trade representatives, stakeholders/passengers groups and supported by officers. Following a delay owing to Covid, the Working Groups met twice in March 2021, and recommended that Members of Executive Board consult on a revised criterion for minor motoring convictions:
  - Applications for a taxi or private hire driver licence be refused when an applicant has 7 or more points for minor convictions showing on their driving licence;
  - Existing licence holders reaching 7 or 8 points for minor convictions will receive a warning and may be required to attend training; and
  - Existing licence holders reaching 9 or more points for minor convictions may have their licence refused or revoked.
- 9 Executive Board approved the criterion for consultation in September 2021, and the council carried out the consultation during October and November 2021. The method and results of the consultation are summarised in this report were presented in detail at the Licensing Committee report in August 2022. Having regard to the representations received, the Licensing Committee recommended a number of further additions to the criterion, notably clarifying that training would always be offered as an alternative to revocation for accumulated minor motoring convictions and that any decisions to revoke a licence under this policy would for an initial period of 12 months be determined by a Licensing Sub-Committee.

### What impact will this proposal have?

**Wards affected:**

Have ward members been consulted?

Yes

No

- 10 The criterion recommended by Licensing Committee (to refuse new applications at 7 points, train existing drivers at 7-8 points, revoke from 9 points and after training or refusal to attend training, and hold a Licensing Sub-Committee on these decisions) would affect the way in which applicants in the taxi and private hire trade in Leeds, and existing licence holders would be assessed on their suitability to hold a licence. Minor motoring convictions and driving licence endorsements are the most common issue the licensing authority will have to consider in determining whether an individual is suitable to hold a taxi or private hire licence. This reflects the importance of safe driving and avoiding speeding to an individual's suitability to hold a taxi or private hire licence.
- 11 The criterion consulted upon would bring Leeds City Council more into alignment with the other WY&Y authorities than its current position. However, Executive Board members will note that our criterion would still not be as stringent as originally proposed in 2020, and would not wholly align with the policies adopted by other WY&Y authorities, who would continue to have a stricter policy in place in respect of existing licence holders. However, in relation to new applicants it would fully align Leeds with the other WY&Y authorities.
- 12 As of 23rd August 2022, 1003 out of 5998 drivers licensed in Leeds, (17%), had declared points to the licensing authority. This means that 83% of taxi and private hire drivers have zero points on their licence, recognising the positive standards adopted by the overwhelming majority of taxi and private hire drivers in Leeds. Of the drivers with points on their licence, 706 have 3 points, and 934 have 3-6 points. Only 69, just over 1% of all taxi and private hire drivers, have

7 or more points. As shown in the table below there is a concentration of drivers with points at 3 and 6 points, and to a lesser degree, 9 points, indicating that the majority of minor motoring convictions impose 3 penalty points.

| Points | Private Hire Driver | Hackney Carriage Driver | Total |
|--------|---------------------|-------------------------|-------|
| 3      | 603                 | 103                     | 706   |
| 4      | 10                  | 1                       | 11    |
| 5      | 7                   | 2                       | 9     |
| 6      | 169                 | 37                      | 206   |
| 7      | 1                   | 1                       | 2     |
| 8      | 13                  | 3                       | 16    |
| 9      | 36                  | 9                       | 45    |
| 11     | 2                   | 0                       | 2     |
| 12     | 2                   | 2                       | 4     |
| 15*    | 0                   | 1                       | 1     |
| 16*    | 1                   | 0                       | 1     |

- 13 The current standards, retained from the council’s previous Convictions policy, allow applicants to start their taxi and private hire career with 12 points on their licence. They also allow licence holders to retain and renew their licence when they accumulate new points, provided they do not exceed 12 points. Drivers currently licensed with more than 12 points and indicated with an asterisk in the table above, will be in the process of appealing against the points issued against them.
- 14 The current standards are significantly weaker than the equivalent standard for recruiting bus drivers, which is a comparable role with a responsibility for ensuring the safety of vulnerable passengers. Both Arriva and FirstBus have entry criteria which would preclude applicants with 6 points (Arriva) or other driving convictions (FirstBus) on their licence from starting a role as a bus driver.

### How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing       Inclusive Growth       Zero Carbon

- 15 The proposed criterion aligns with the council’s priorities for Health and Wellbeing. It places a priority on public and passenger safety.

### What consultation and engagement has taken place?

- 16 Leeds City Council has undertaken significant and extensive engagement and consultation, both on the broad Suitability & Convictions policy and on the subsequent review of the criterion for minor motoring convictions.
- 17 The council initially consulted between November 2018 and January 2019 on the draft Suitability policy, in concert with other WY&Y authorities. However, for the reasons outlined above, it subsequently developed a working group, formed of a mix of councillors, trade representatives, stakeholders/passenger groups and supported by officers, to review the

criterion for minor motoring convictions. The working group met and generated a revised suitability minor motoring conviction criterion to Executive Board for consultation.

*Consultation on the working group proposal:*

- 18 Executive Board approved in September 2021 the consultation on the revised suitability minor motoring conviction criterion. The council then consulted between October and November 2021 on the proposed criterion. The council promoted the consultation on social media channels, emailed a link to the survey to 6000+ taxi and private hire licence holders, representatives of trade groups, representatives of stakeholders and passenger groups (including councillors, older people, women and girls, people with disabilities, road safety partnership, city centre partners, school governors). The survey was also sent by post to around 60 licence holders who did not have a recognised email address for use by the council. Three drop-in meetings were also organised at Merrion House, but were not well attended. All non-electronic responses were added to the completed electronic surveys for analysis.
- 19 The consultation compared the current criterion of 12 points against the proposed criterion to refuse new applicants at 7 points, train existing drivers at 7-8 points, and revoke from 9 points, and asked respondents to support or oppose the proposed criterion.
- 20 The response to the consultation was unprecedented. In total 2275 people responded to the survey during the consultation period. In particular, the survey generated a much higher response from licence holders, the general public and stakeholders than previous consultations.
- 21 The breakdown of responses is set out in the table below (further information is set out in the appendices to the Licensing Committee report). Responses from taxi and private hire drivers, vehicle owners and trade representatives amounted to 57% of all responses, and responses from passenger representatives, councillors and the wider public 43%. A small percentage of respondents did not disclose their role.

| <b>Group</b>   | <b>Count</b> | <b>%</b>    |
|--|--------------|-------------|
| <b>Leeds City Council - Councillor</b>                                     | 9            | 0%          |
| <b>Leeds hackney carriage association/union</b>                            | 3            | 0%          |
| <b>Leeds hackney carriage driver</b>                                       | 173          | 8%          |
| <b>Leeds hackney carriage proprietor</b>                                   | 88           | 4%          |
| <b>Leeds private hire driver</b>   | 974          | 43%         |
| <b>Leeds private hire group/union representative</b>                       | 7            | 0%          |
| <b>Leeds private hire operator</b>   | 6            | 0%          |
| <b>Leeds private hire vehicle proprietor</b>                               | 8            | 0%          |
| <b>Member of the public who does not use taxi or private hire vehicles</b> | 93           | 4%          |
| <b>Member of the public who uses taxi or private hire vehicles</b>         | 828          | 37%         |
| <b>Passenger group representative</b>                                      | 19           | 1%          |
| <b>Stakeholder representative</b>  | 6            | 0%          |
| <b>Undeclared</b>  | 61           | 3%          |
| <b>Total</b>   | <b>2275</b>  | <b>100%</b> |

- 22 The council also received a significant number of responses from people, primarily licence holders, who live outside Leeds. Of these respondents, a majority 671 of these respondents were licence holders. This is not surprising, as around half of all taxi and private hire licence holders do not live in Leeds. In total, one third, 895 of responses did not answer the question asking where they lived.
- 23 Respondents were asked if they supported the proposals (to move from refusing new applicants at 12 points to refuse at 7 points, train existing drivers at 7-8 points, and revoke from 9 points).

1495 (66.4%) respondents stated that they did not agree with the proposal and 757 (33.6%) did agree with the proposal.

24 The results show a significant difference between the view of, on one hand, licence holders and trade representatives, and on the other, stakeholders and the general public. The former were largely (94%) against the proposal, and the latter largely (71%) in favour, and some of the latter group objected to the proposal because in their view it is not strict enough. The themes below show the difference in support by taxi and private hire groups, stakeholders and the general public, excluding councillors and people who didn't state their role.

- Of the 756 who responded in favour of the proposal, 674 (89%) were members of the public, passenger or stakeholder groups, 71 (9%) were licence holders.
- Of the 1481 who responded against the proposal, 1178 (80%) were licence holders, 266 (18%) were members of the public, passenger or stakeholder groups.

25 The detailed responses to the survey also revealed a more complex response, both from licence holders and from the general public, passenger groups and stakeholders. Respondents were asked the open question 'if you do not support the proposed criterion, can you tell us why?'. The main categories of response are summarised in the table below, including the respective numbers of responses from licence holders in the taxi and private hire trade and the public. These categories are drawn from open responses, as some respondents raised more than one issue in their response.

| Theme   | Count | HC PH trade | Public |
|---|-------|-------------|--------|
| <b>A DVLA rules/12 points should apply</b>  | 693   | 603         | 70     |
| <b>B 7/9 point threshold is a risk to drivers' livelihoods</b>                      | 266   | 224         | 38     |
| <b>C Policy is too unfair or too harsh</b>  | 212   | 171         | 37     |
| <b>D Frequency of driving means taxi drivers are more at risk of minor offences</b> | 145   | 115         | 28     |
| <b>E Misc/other comments</b>  | 129   | 92          | 34     |
| <b>F Existing policy works ok</b>   | 126   | 116         | 9      |
| <b>G Rules do not apply to others (Bus/HGV/LCC drivers)</b>                         | 106   | 76          | 26     |
| <b>H Seriousness of offence(s) need to be considered</b>                            | 52    | 37          | 14     |
| <b>I Disagree because proposal is not strict enough</b>                             | 47    | 0           | 47     |
| <b>J Policy discriminates or is racist</b>  | 42    | 30          | 11     |
| <b>K Passengers cause distractions which can cause minor driving faults</b>         | 31    | 28          | 3      |

### *Objections and the council's response*

26 The report addresses each response in turn. The two largest themes of response (A and B in the table above) accounted for 959 comments, though some responses raised both comments. These respondents were largely (over 88%) licence holders and objected to the proposed criterion to refuse a new applicant at 7 points, train existing drivers at 7-8 points, and revoke from 9 points, and suggested either that the council should apply DVLA threshold, as long as drivers weren't disqualified, they should be allowed to work. They also cited the impact on drivers' earnings and livelihoods if they were unable to drive. There are some observations which follow from these responses, which could form part of the council approach to responding to the consultation.

- First, these representations were focused on the earnings of existing taxi and private hire drivers, and did not contain objections to the council setting a threshold of 7 points for new applicants, which is a key aspect of the national and regional policy harmonisation agenda;
- Second, the respondents' concern about loss of earnings or family livelihood, while not the focus of licensing practice, could be alleviated (at least in part), if licence holders could be satisfied that the warning and driver training would always be applied to existing drivers reaching 7 points or more, and revocation only applied when a warning or training had been followed by a further minor motoring conviction at 9 points or more. Although other respondents referred to driver training in their survey responses, none of these respondents did, so this point may help to reduce concerns.
- Third, some respondents indicated their belief that licences would be refused or revoked at 6 points, and in some way 'automatically'. This is incorrect, and the proposal includes a step to warn and train existing drivers before any revocation would be considered for minor motoring convictions.

27 It is clear from some responses that many respondents, largely from the taxi and private hire trade, were not clear as to what would happen when an already licensed driver reached 7 or 8 points. In summary, those respondents were concerned about a 'revoke first, ask questions later' approach, which was not intended by the proposed criterion. Members can be reassured that the proposals are that all drivers reaching 7 or 8 points will be required to attend training and receive a warning. While the council does have legal powers to set licensing regulations more strictly than for the general public, reviewing a licence holder with points for minor motoring convictions would always consider how that driver could be brought into compliance without immediately or 'automatically' revoking their licence. This would include a warning and training, and revocation or refusal at renewal would only be considered for subsequent minor motoring convictions at 9 points where drivers had already received warnings and training. The concerns raised by respondents are, therefore, already fully addressed although it is appreciated providing greater clarity on this point would be helpful.

The next largest group of themes (C, D, F and G in the table in paragraph 25) accounted for 589 comments, though some respondents raised more than one issue. These respondents accounted for 81% from taxi and private hire licence holders who claimed that the proposed criterion was unfair (without referring to earnings or DVLA) and that equivalent criteria are not applied to other driving roles outside of the taxi and private hire trade. It should be recognised that taxi and private hire drivers are in a unique position of control over their passengers and therefore more stringent checks are required than may apply to other drivers, to ensure that people are and remain fit and proper. The council has checked with Arriva and Firstbus, relating to bus drivers, and with the Traffic Commissioner for drivers of larger and public service vehicles. Arriva [Join the Arriva Bus Family | Arriva Bus UK](#) and Firstbus [Bus driver jobs - apply now! | Leeds | First Bus](#) have entry level criteria relating to driving standard, and the Traffic Commissioner has standards for vocational drivers. In addition, employers will also have internal disciplinary standards and measures, which they have not been able to share with the council.

28 The Institute of licensing addressed the issue of minor motoring convictions in its press release accompanying the Suitability guidance in February 2020:

*Critics argue that it is easy for taxi drivers to collect points on their licences as they drive more miles than the average driver, or they face pressure from late or intimidating passengers. These arguments are unlikely to stand up in the case of an accident or injury (fatal or otherwise) as a result of speeding. Taxi drivers are professional drivers. Their driving should be of a higher standard than domestic motorists: a professional driver should know their speed with minimal reference to a speedometer; will recognise hazards and driving conditions and adapt their driving accordingly. These drivers will not fall short of the*

*standards in the IoL document. The IoL believe these are the standards the public should rightly expect of the taxi industry.*

*In addition, it should be recognised that for a first speeding offence, a speed awareness course is usually offered which will not result in penalty points. It would then take two further speeding offences before six points were obtained and a fourth before the number on the DVLA licence exceeded seven (the limit suggested in the IoL's guidance). Other common reasons for penalty points to be imposed on a driving licence, include bald tyres and no insurance which again are offences which should never be committed by a professional driver.*

*A recent FOI request to the DVLA asked about the percentage of drivers allowed to drive a motor vehicle of any class that have seven points or more on their driving licence (on any date or period in 2019). The response from the DVLA states:*

*“As of 1 June 2019, there were 49,118,341 driving licence holders in GB. Of those, 12,158 provisional licence holders and 122,901 full licence holders had seven or more points on their licence. That equates to 0.27% of the total number of driving licence holders with seven or more points on their licence.”*

*This is a very small percentage of driving licences. In England in 2019 there were 326,000 licensed hackney carriage and private hire drivers, so if they reflect the complete population who hold driving licences, that suggests that only 880 hackney carriage and private hire drivers would fall foul of this limit.*

*On that basis, is it really ‘draconian’ to expect our professional taxi and private hire drivers to not fall within 0.27% of licensed drivers when it comes to their driving standards? The public have a right to expect more than that.*

*Each application, or review of a taxi or private hire drivers’ licence must be considered on its own merits by the relevant licensing authority, using their policy as a guideline. As part of that process, any applicant falling foul of the policy will have the opportunity to make representations as to why the action suggested in the guidelines should not be taken. The IoL accept there will be cases where there is good mitigation and it will be for the licensing authority to consider whether the circumstances warrant an exception from the policy.*

*The IoL guidance is not draconian – far from it. The guidance sets out standards which are proportionate and necessary in order to protect the public from the very small minority of applicants who fail to meet the required standards.*

***(Institute of Licensing 2020)*** | [Institute of Licensing](#)

29 A third group of comments (H, J and K from the table), 95 in total, and with 77% from taxi or private hire trade, said that the proposed minor motoring convictions criteria did not take into account the seriousness of the motoring offence, that the criteria are racist or discriminatory, or that the driver could acquire points by being distracted by their passengers. In response, while minor motoring convictions are by definition at the lower end of motoring convictions, and do not involve injury, repeated minor motoring convictions do indicate that a person’s standard of driving is not as high as it should be. The council does note that a majority of taxi and private hire licences are held by people with a Black and Minority Ethnicity (BAME), however, this criterion applies equally across all licence holders. An Equality and Diversity Impact Assessment has been completed, identifying the protected characteristics of both drivers and passengers, for example people with a mobility need or disability, who statistically take more taxi and private hire journeys. The council also notes that passengers can behave in ways to distract their driver, but it always remains the driver’s responsibility to drive the vehicle in a safe manner.

- 30 Fourth, a small group of respondents (47, 100% not from the taxi and private hire trade), objected to the proposed criteria because in their view they do not go far enough in ensuring passenger safety. The council recognises these concerns, which was the reasons for the previous proposal (in 2014) to implement a more stringent standard, in line with the Institute of Licensing framework, and the subsequent Department for Transport statutory guidance. However, feedback against the proposal had led the council to review the criterion as set out elsewhere in this report.
- 31 In progressing this review, the council contacted all 284 licensing authorities in England and Wales, and 85 responded to our request in February and March 2022. While the council does not have information for all licensing authorities, the response is considered a good representative sample, and confirms the following. 69 (81%) authorities have implemented a suitability policy and 72 (85%) have criteria for assessing minor motoring convictions.
- 32 33 authorities had implemented the IOL/DfT standard 7 points for both applicants and existing licence holders. Of the 39 who had not implemented the 7 points in its entirety, there was a range of criteria, from those who explained their policy. The following corresponded very closely to the IOL/DfT recommended standard, and the proposed criterion: -
- 3 authorities refused a licence to applicants and existing licence holders above 6 points;
  - 9 authorities refused applicants with 6-8 points (8 chose 6 points, 1 chose 8 points) and revoked existing licence holders at 9 points, similar to Leeds City Council proposal);
  - 1 authority refused a licence to applicants and existing licence holders above 8 points;
  - 7 authorities refused a licence to applicants and existing licence holders above 9 points;
  - 1 authority refused a licence if two minor convictions in two years; and
  - 1 authority refused a licence if three minor convictions in three years.
- 33 A small number of authorities (13) had a policy for minor motoring convictions differing significantly from the IOL/DfT standard 7 points, although some authorities stated that they planned to review the policy and would refer to the IOL framework.
- 7 authorities had no points criteria and judged every case for applicants and existing licence holder on its merits, more severely for multiple minor convictions;
  - 1 authority refused a licence to applicants and existing licence holders above 3 points;
  - 1 authority refused a licence unless 1 year free of minor convictions;
  - 1 authority refused a licence unless five years had elapsed since disqualification; and
  - 3 authorities refused an applicant and existing licence holder at 12 points (Leeds City Council current criterion).
- 34 The feedback from other licensing authorities indicated a range of adherence and departure from the IOL/DfT minor motoring convictions criterion which the council and WY&Y authorities originally consulted on. Only three authorities had aligned their minor motoring convictions criterion with the DVLA disqualification threshold of 12 points. The vast majority of authorities had either aligned with the IOL/DfT standard of 7 points, or set the level just above or below (e.g. 6 or 8 points), or some variation on the added training, panel or review for existing licence holders before revocation.
- 35 In conclusion, the results of the consultation are complex. Above all, they indicate a significant disparity between the views of the public (i.e. customers) and the taxi and private hire trade on what the expected threshold should be for refusing a licence and potentially revoking a licence. 71% of the public responded in support of the proposed standard, with a further 5% of the public responding opposing the standard because it is not strict enough. Conversely, 94% of

licence holders objected to the proposed standard, and many stated that they did not feel they should be treated any differently from the normal motorist.

36 The council can conclude the following: -

- There is strength of feeling in the taxi and private hire trade that the proposed suitability criterion for minor motoring convictions, which are already in place in a majority of licensing authorities in England and Wales, should not apply to Leeds licence holders;
- There is a significant opinion in the wider public that the proposed suitability criterion for minor motoring convictions, which are already in place in a majority of licensing authorities, should apply to Leeds licence holders; and
- The arrangements recommended by Licensing Committee, for warnings and training to be implemented in advance of any revocation, and of a pilot Licensing Sub Committee to decide on possible revocations for minor motoring convictions, are intended to address the concerns of licence holders.

### **What are the resource implications?**

37 There are minor resource implications of adopting and implementing a higher standard for applicants and current licence holders.

38 It is possible that the council, as licensing authority, would provide a higher number of warnings and remedial training, for licence holders reaching 7 or 8 points on their driving licence for minor motoring convictions and as an alternative to revocation. The work can be resourced from within the Taxi and Private Hire Licensing service, with a monthly training session providing capacity for between 100 and 120 delegates per year.

39 In the longer term, it is possible that the council as licensing authority could receive fewer complaints for investigation about the standard of driving by taxi and private hire drivers. This may free up some capacity within the Taxi and Private Hire Licensing service to concentrate on other licensing priorities.

### **What are the key risks and how are they being managed?**

40 The principal risk being addressed by the proposed criterion, is reducing the risk to the travelling public and other road users posed by licence holders with multiple convictions for minor motoring offences. Lowering the threshold for new applicants from 12 to 7 points would allow the licensing authority to refuse to licence applicants with multiple recent convictions for minor motoring offences from obtaining a licence in Leeds.

41 A secondary risk is the possible reduction in the numbers of applicants and loss of existing drivers, if applicants and existing licence holders opt not to work in the taxi and private hire trade as a result of the council implementing the proposed criterion. This would impact on a Leeds taxi and private hire trade which has lost 300 from around 6000 drivers in the past 2 years. Feedback to the council from private hire operators and taxi associations has indicated that they have found it difficult to source drivers who can often earn as much working in delivery roles. However, this risk can be alleviated by extending and developing driver training and assessment provision in line with increased demand.

42 A third risk, if the proposals are not recommended for approval, (thus retaining the 12 points criterion), is the impact on Leeds from the differential in standards between Leeds and neighbouring authorities. As all other WY&Y authorities, and based on our engagement with licensing authorities, a majority of licensing authorities in England and Wales have implemented a criterion at or around 7 points, then Leeds with a 'weaker' lower standards policy, could become a more attractive location for applicants or other drivers who are unable to obtain a licence elsewhere due to their lower driving standards.

### **What are the legal implications?**

- 43 The Council is under a legal obligation to have regard to the DfT statutory guidance unless there is a compelling local reason to depart from any part of it. That guidance sets out some minimum standards for drivers in relation to criminal convictions. The IoL framework of recommended minimum standards, which is best practice but not obligatory, mirrors those in the statutory guidance but adds a number of other standards to be applied. In respect of minor motoring convictions both the statutory guidance and IoL framework provide that a single occurrence of a minor traffic offence may not necessitate the refusal or revocation of a licence. The IoL framework goes further, suggesting 7+ points on a driving licence may lead to refusal or revocation.
- 44 The criterion recommended by Licensing Committee would be compliant with the statutory guidance, which doesn't fix a maximum number of permitted points, but would be out of step with the IoL best practice framework. Some recommendations within the IOL guidance have been included in the subsequent DfT guidance
- 45 The Local Government (Miscellaneous Provisions) Act 1976 sections 47, 48, 51, 55 and 57 permits the licensing authority to attach conditions to a taxi or private hire licence over and above those for the general public. The Policing and Crime Act 2017 section 177 permits the secretary of State to issue guidance to public authorities as to how their licensing functions under taxi and private hire legislation may be exercised so as to protect children and vulnerable individuals who are 18 or over, from harm. The same Act also requires a public authority which has licensing functions under taxi and private hire legislation to have regard to any guidance issued under the Act.
- 46 A full Equality, Diversity, Cohesion and Integration Assessment for the proposal has been completed. When deciding whether to recommend the proposal for approval, the council has to comply with the Public Sector Equality Duty (attached as Appendix 3 to this report).
- 47 The decision to approve the proposals is a significant operational decision. Consideration has been given to whether it should be treated as a key decision however, whilst the decision is intended to have an impact on public safety across the city as a whole, and will have an impact on a small percentage of drivers, the overall effect of the decision is not likely to be significant in terms of its impact on communities living and working in an area the size of one ward or more.

*Equalities implications:*

- 48 Section 149 of the Equality Act 2010 sets out the Public Sector Equality Duty, whereby a public authority must, in the exercise of its functions, have due regard to the need to:
- a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
  - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
  - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

With regard to b) above, due regard must be given to the need to:

- d) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- e) Take steps to meet the needs of who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- f) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- g) The relevant protected characteristics include age, disability, gender reassignment, pregnancy and maternity, religion or belief, sexual orientation.
- 49 The duty is not a duty to achieve a result, but a duty to have due regard to the need to achieve the goals in section 149. The courts have also made it clear that the weight and extent of the duty is highly fact sensitive and dependent on individual judgment, and that is for the decision maker to decide how much weight should be given to the various factors informing their decision.
- 50 As part of the decision-making process, the council has given due consideration to the issues raised and taken into account the feedback received. As part of the proposal, there will be impacts on all stakeholders which have been evaluated and mitigated where possible.
- 51 Members have a personal duty to consider this duty when making their decision, and they cannot be considered to automatically know what officers want or know what may have been in the minds of officers in providing their advice. Members must assess the risk and extent of any adverse impact and the ways in which such risk may be eliminated before making their decision. The duty must be exercised in substance, with rigour, and with an open mind, and it must not be simply a case of 'ticking boxes'.
- 52 A general regard to issues of equality is not the same as having specific regard, by way of a conscious approach to the statutory criteria of the legislation. In addition, the duty requires members to be properly informed before taking a decision, and if the relevant material is not available, there is a duty to acquire it, and this includes consultation with appropriate groups in some circumstances, in the case of these proposals, an extensive consultation exercise has taken place.

## Options, timescales and measuring success

### What other options were considered?

- 53 Given the complex findings of the consultation, Licensing Committee members considered what recommendations could be made to Executive Board in order to progress this matter. In doing so, the council must have regard to statutory and other guidance from the Department of Transport, as well as the background work and context which resulted in the formulation of the proposals subject to consultation. Members also considered the representations made as part of the consultation.
- 54 Having regard to all the above, the options for Licensing Committee include recommending one of the following and these options remain open to Executive Board as an alternative to those recommended by Licensing Committee :
- a) The proposed criterion is **approved** without further amendment;
  - b) The proposed criterion is **amended** having regard to the consultation responses, setting out what the amended criterion should be; or
  - c) The proposed criterion should not be approved or amended, and that **further work** is required to determine a more appropriate criterion.
- 55 Members will recall, the option to retain permanently the 12 point criterion for minor motoring convictions (from the previous Convictions policy) was considered by the working group, Licensing Committee and Executive Board, but not agreed as a recommendation for consultation. Retaining a 12 point criterion for minor motoring convictions would, as has been discussed above, mean the council had one of the weakest standards in England on this aspect of taxi and private hire licensing.

## **How will success be measured?**

- 56 The council's Annual Licensing Report provides comparative measurable information on the level and type of complaints, suspended and revoked/refused licences. Successful implementation of the new criterion should result in fewer drivers having a higher level of points on their driving licences, and fewer complaints about driving standard (currently among the higher level of complaints), accounting for around 10% of complaints to the council about taxi and private hire matters. This would be an indication that the standard of driving has improved.
- 57 The implementation of the proposed criterion would provide some confidence that only the safest, as judged by their driving record, of taxi and private hire drivers can renew their licence in Leeds.

## **What is the timetable and who will be responsible for implementation?**

- 58 If Executive Board approve the recommendations in this report, the new criterion for minor motoring convictions would subject to call in for 5 working days, and could take effect from 1st October 2022 and will align the council to the national standard developed by the Institute of Licensing, in partnership with the Local Government Association, Lawyers in local Government and the National Association of Licensing and Enforcement Officers.
- 59 The new criterion would be implemented from 3 October 2022, and the council's Taxi and Private Hire Licensing service would contact licence holders and representatives, make available driver training sessions to be offered to drivers with 7 or more points for minor motoring convictions, with at least one day to be available each month for the training. The council's Licensing Committee would establish the terms of reference, training for a Licensing Sub-Committee to determine decisions on minor motoring convictions licence holders. The Licensing Committee would review the impact of the Licensing Sub-Committee after 12 months.

## **Appendices**

**Appendix 1 Comments/objections and the council's response – Suitability (minor motoring convictions)**

**Appendix 2 Flowchart – Suitability (minor motoring convictions)**

**Appendix 3 Equality Impact Assessment**

## **Background papers**

None

## Appendix 1 Comments/objections and the council's response – Suitability (minor motoring convictions)

### 2 a) Comments/objections

Those who said that they disagree with the proposal were asked to provide further detail on why they disagreed. In total 1381 people provided a response, with 1338 of the comments stating that they disagree.

To understand the overall sentiment, each comment was reviewed and categorised into broader themes. A single comment can fall into several themes. In total 1338 respondents who disagree made comments covering 1849 different themes. The categorisation of the theme is the opinion of the analyst.

Note that one of the themes below are respondents who disagree with the change as they feel it should be stricter than the one proposed.

| Theme   | Count | As % |
|---|-------|------|
| <b>DVLA Rules/12 points should apply</b>                          | 693   | 37%  |
| <b>It is a risk to people's livelihoods</b>                       | 266   | 14%  |
| <b>Policy is too unfair or too harsh</b>                          | 212   | 11%  |
| <b>Frequency means more at risk of minor offenses</b>             | 145   | 8%   |
| <b>Misc/other comments (see below)</b>                            | 129   | 7%   |
| <b>Existing policy works ok</b>                                   | 126   | 7%   |
| <b>Rules do not apply to others (Bus/HGV/LCC drivers)</b>         | 106   | 6%   |
| <b>Seriousness of offence(s) need to be considered</b>            | 52    | 3%   |
| <b><i>Disagree because proposal is not harsh enough</i></b>       | 47    | 3%   |
| <b>Policy discriminates or is racist</b>                          | 42    | 2%   |
| <b>Passengers cause distractions which can cause minor faults</b> | 31    | 2%   |

Do you support the change? If you answered No, please say why not and tell us what change you think would be better

Officers' responses are summarised here.

| Response/objection                | Officer response  |
|-----------------------------------|---|
| DVLA rules/12 points should apply | <p><i>The council's existing policy does allow licence holders with 12 points accumulated for minor motoring convictions to continue to be licensed.</i></p> <p><i>The fact that an individual has accumulated points for repeated minor motoring convictions does suggest that their driving standard is worthy of review. Nationally and in West Yorkshire, licensing authorities have been setting a higher standard for taxi and private hire drivers than general motorists, owing to the vulnerability of many people who use taxis and private hire vehicles, and the fact that they regularly put their safety in the hands of their driver.</i></p> <p><i>The criterion consulted on - 7 points for applicants, training at 7-8 points and considering revocation at 9 points and above was viewed by the working group set up by the council and endorsed by Executive Board as a proposal as striking the right approach for determining whether someone is suitable to work as taxi and</i></p> |

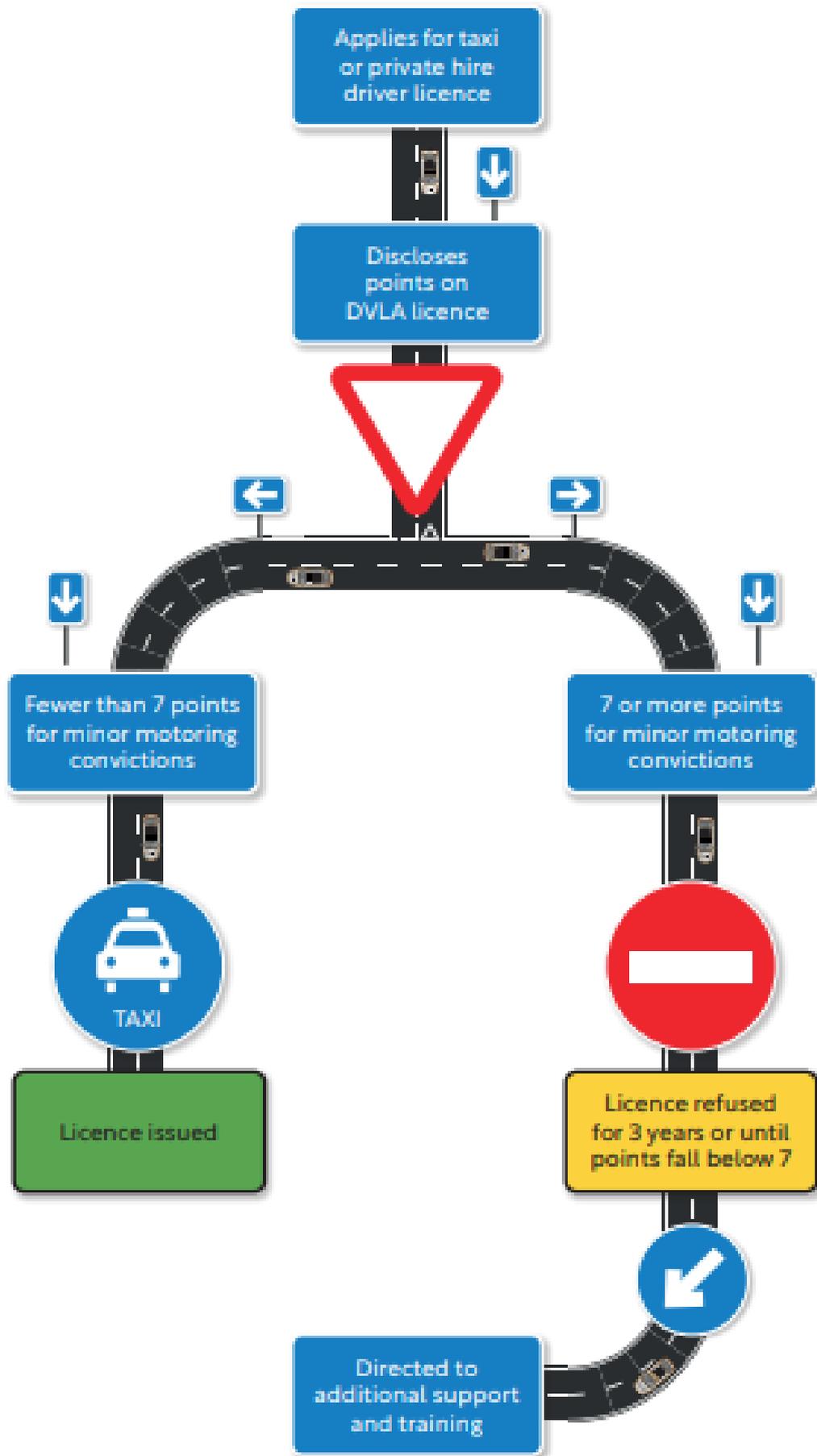
|  |  |
|--|--|
|  | <p><i>private hire driver. Officers remain of the view, for the reasons set out above, that there is real need to introduce criteria which go beyond that applied by the DVLA, i.e. apply a more stringent standard than 12 points.</i></p>  |
| <p>7/9 point threshold is a risk to drivers' livelihoods</p> | <p><i>The criterion consulted on - 7 points for applicants, training at 7-8 points and considering revocation at 9 points and above - was viewed by the working group set up by the council and endorsed by Executive Board as a proposal as striking the right approach for determining whether someone is suitable to work as a taxi or private hire driver and showing a level of discretion for people who are already working as taxi and private hire drivers.</i></p> <p><i>The council, whilst working in partnership with the licensed taxi and private hire trade and other stakeholders, is nevertheless required to prioritise the safety of the travelling public, over the livelihoods of drivers. Leeds City Council's figures show that the vast majority (over 80%) of drivers have zero points, and most can continue to work, while not accumulating repeated points for minor motoring offences.</i></p> <p><i>The criterion consulted upon would immediately affect a small number of drivers (78) 1.4% of all drivers, who already have 7 or more points. A further 241 drivers on 4-6 points, could be affected by the new criterion if they were to accrue more points for minor motoring convictions. However, the council has proposed to work with those drivers to provide additional training in order to help them maintain their taxi or private hire licence and not incur further endorsements. On that basis officers find no evidence to suggest that introduction of the criterion alone will risk drivers' livelihoods.</i></p> |
| <p>Policy is too unfair or too harsh</p>                     | <p><i>The criterion consulted on - 7 points for applicants, training at 7-8 points and considering revocation at 9 points and above - was viewed by the working group set up by the council and endorsed by Executive Board as a proposal as striking the right approach for determining whether someone is suitable to work as taxi and private hire driver, and showing a level of discretion for people who are already working as taxi and private hire drivers.</i></p> <p><i>People who use taxis and private hire vehicles are entitled to feel safe when they get into those vehicles, and a relevant aspect of safety is the standard of driving.</i></p> <p><i>The council has followed the UK national guidance on setting tighter standards for drivers with convictions for minor motoring convictions. A large majority of licensing authorities nationally have already implemented a minor motoring conviction very similar to that proposed by the council. Officers conclude that the criterion remains a fair balance then assessed against the overarching objective to protect public safety</i></p>  |

|   |   |
|---|---|
| <p>Frequency of driving means taxi drivers are more at risk of minor offences</p> | <p><i>People who use taxis and private hire vehicles are entitled to feel safe when they get into those vehicles, and a relevant aspect of their safety is the standard of driving.</i></p> <p><i>The council's priority is the safety of the travelling public, and not the livelihoods of drivers. Leeds City Council's figures show that the vast majority (over 80%) of drivers have zero points, and most can continue to work, while not accumulating repeated points for minor motoring offences.</i></p> <p><i>It is important that taxi and private hire drivers do observe speed limits and traffic signals, both for their passengers' safety and for their own. For those taxi and private hire drivers who drive many more miles than the general motorist, it is just as important that they drive safely, as their driving impacts more strongly on passengers and other road users than motorists driving an average number of miles.</i></p>   |
| <p>Existing policy works ok</p>   | <p><i>The council's previous policy did allow licence holders with 12 points accumulated for minor motoring convictions to continue to be licensed.</i></p> <p><i>The fact that an individual has accumulated points for repeated minor motoring convictions does suggest that their driving standard is worthy of review. Nationally and in West Yorkshire, authorities have been setting a higher expectation for taxi and private hire drivers than general motorists, owing to the vulnerability of many people who use taxis and private hire vehicles, and the fact that they regularly put their safety in the hands of their driver.</i></p> <p><i>The criterion consulted on - 7 points for applicants, training at 7-8 points and considering revocation at 9 points and above was viewed by the working group set up by the council and endorsed by Executive Board as a proposal as striking the right approach for determining whether someone is suitable to work as taxi and private hire driver.</i></p> <p><i>The Institute of Licensing Guidance states in paragraph 3.30: 'speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk</i></p> |
| <p>Rules do not apply to others (Bus/HGV/LCC drivers)</p>                         | <p><i>The council recognises that this is a criterion to determine whether a person is suitable to hold a licence as a taxi or private hire driver and does not apply to any other driving role.</i></p> <p><i>The council has a legal responsibility to ensure that it is satisfied that an individual is fit and proper to hold a taxi or private hire licence. The regulators of other driving professions have their own method of determining whether bus, lorry or other drivers are fit and proper. The council has policies in place for employing</i></p>  |

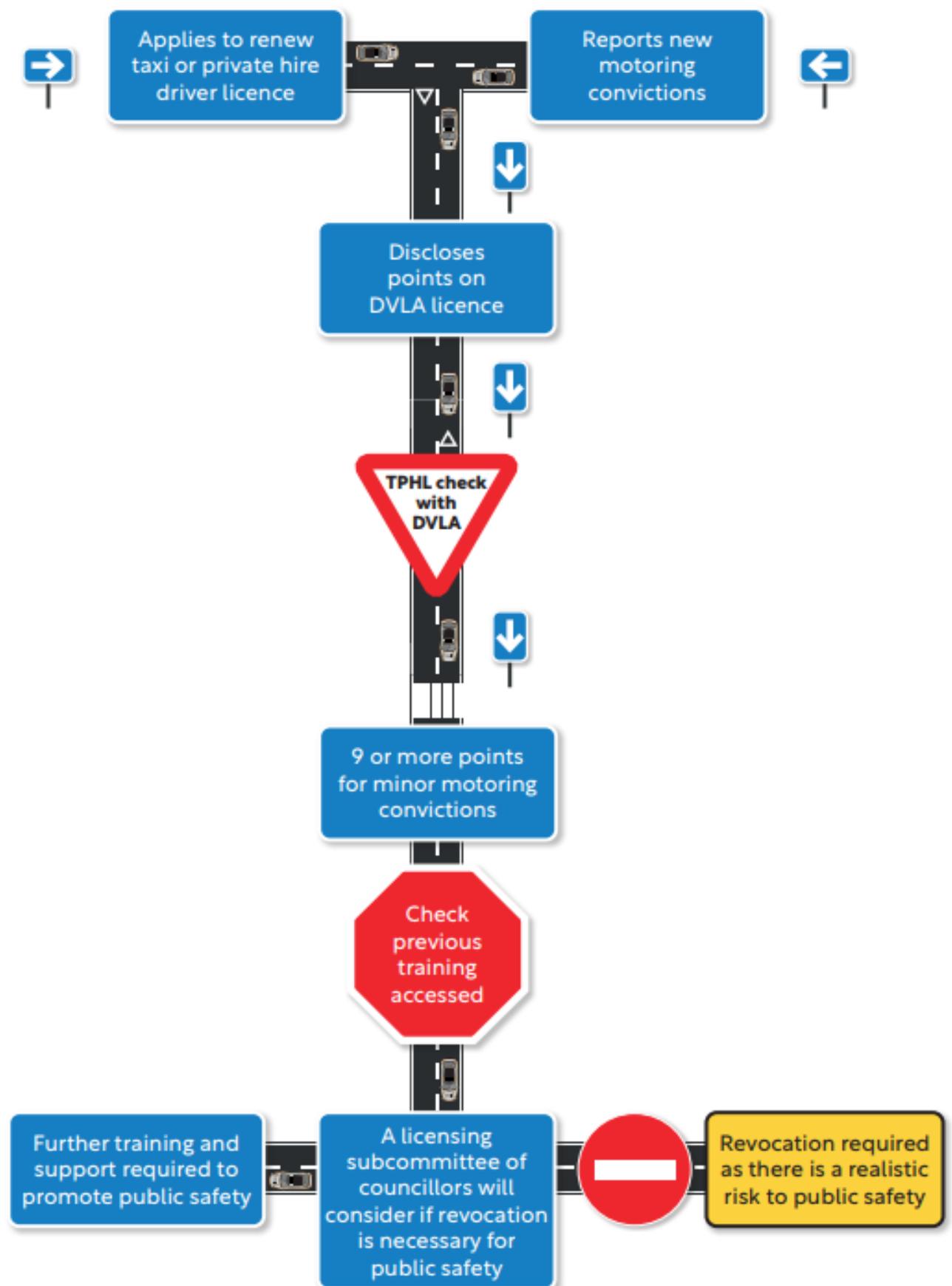
|  |  |
|--|--|
|  | <p><i>people who drive for the council as part of their role, and has found bus companies who have equivalent policies in place for employing drivers, in contrast to the assertion from respondents.</i></p> <p><i>The council asserts that taxi and private hire drivers are in a unique position of control over their passengers, and that it is proportionate to have rules in place which scrutinise the driving records of applicants and licence holders.</i></p>  |
| <p>Seriousness of offence(s) need to be considered</p> | <p><i>The council recognises that the majority of points accrued by drivers appear to be in multiples of 3, and therefore at the lower end of the majority of motoring convictions tariffs. The council has a long term aim of reducing the number of serious and fatal accidents in Leeds, and minor motoring convictions may suggest that an individual's driving standard needs to be improved.</i></p> <p><i>Points accrued for speeding, are imposed only where a speed awareness course cannot be offered – either because one has already been attended within the previous 3 years, has been refused or the speed in question exceeded certain speed ranges indicating that an individual driving speed is of concern. In setting the limit at more than 6 points for applicants, the council indicates that more than one conviction for minor motoring convictions, including speeding, would not be a barrier to gaining a licence.</i></p> <p><i>In setting the limit higher for existing licenced drivers, including a warning and training, the council was seeking to strike the right approach for determining whether someone is suitable to work as taxi and private hire driver, and showing a level of discretion for people who are already working as taxi and private hire drivers.</i></p> |
| <p>Disagree because proposal is not harsh enough</p>   | <p><i>The council recognises that the proposed criterion would allow drivers with 6 points for minor motoring convictions to obtain a licence. It is acknowledged that there are many people who would want the threshold to be set lower than 6 points, so the travelling public could be assured their taxi or private hire driver did not have a high level of points on his or her licence.</i></p> <p><i>The council recognises that the proposed criteria would also allow drivers with 7 or more points to continue to hold a licence, providing they undertook further training. It is acknowledged that this is slightly out of step with the national recommended standard, which recommends refusal and revocation at 7 points for minor motoring convictions.</i></p> <p><i>However, the criterion consulted on - 7 points for applicants, training at 7-8 points and considering revocation at 9 points and above - was viewed by the working group set up by the council and endorsed by Executive Board as striking the right approach for determining whether someone is suitable to work as a taxi or private hire driver, and showing a level of discretion for people who are already working as taxi and private hire drivers.</i></p>   |

|  |   |
|--|---|
|  | <p><i>The council can assure people wanting tougher measures that this criterion does not apply to taxi and private hire drivers who have convictions for more serious motoring offences, where other criteria would be applied and result in a refusal of a licence?.</i></p>  |
| <p><b>Policy discriminates or is racist</b></p>                                  | <p><i>The council is aware that the majority of taxi and private hire licence holders are of Black &amp; Minority Ethnicity (BAME). The council carried out an Equality &amp; Diversity Impact Assessment on the proposed criterion on which the council consulted.</i></p> <p><i>The council does not accept that because a criterion impacts significantly on people of a BAME background, it is discriminatory or racist, either directly or indirectly. People who use taxis and private hire vehicles are entitled to feel safe when they get into those vehicles, and a relevant aspect of safety is the standard of driving.</i></p> <p><i>The council considers that it is reasonable to require a higher standard of driving of all drivers regardless of their ethnicity</i></p> <p><i>The council considers that the consulted upon criteria, which includes a provision for additional training for drivers with points for minor motoring convictions, demonstrates that the council wants to work with licence holders in a supportive way.</i></p> |
| <p><b>Passengers cause distractions which can cause minor driving faults</b></p> | <p><i>The council recognises that the job of taxi or private hire driver is not an easy one, and that passengers may cause distractions to drivers.</i></p> <p><i>However, drivers are responsible for their own standard of driving their vehicle, and it remains extremely important for drivers to take steps to continue to drive in a safe and professional way which avoids minor motoring convictions. Officers are not therefore of the view that this situation requires an amendment to the proposed criterion.</i></p>   |

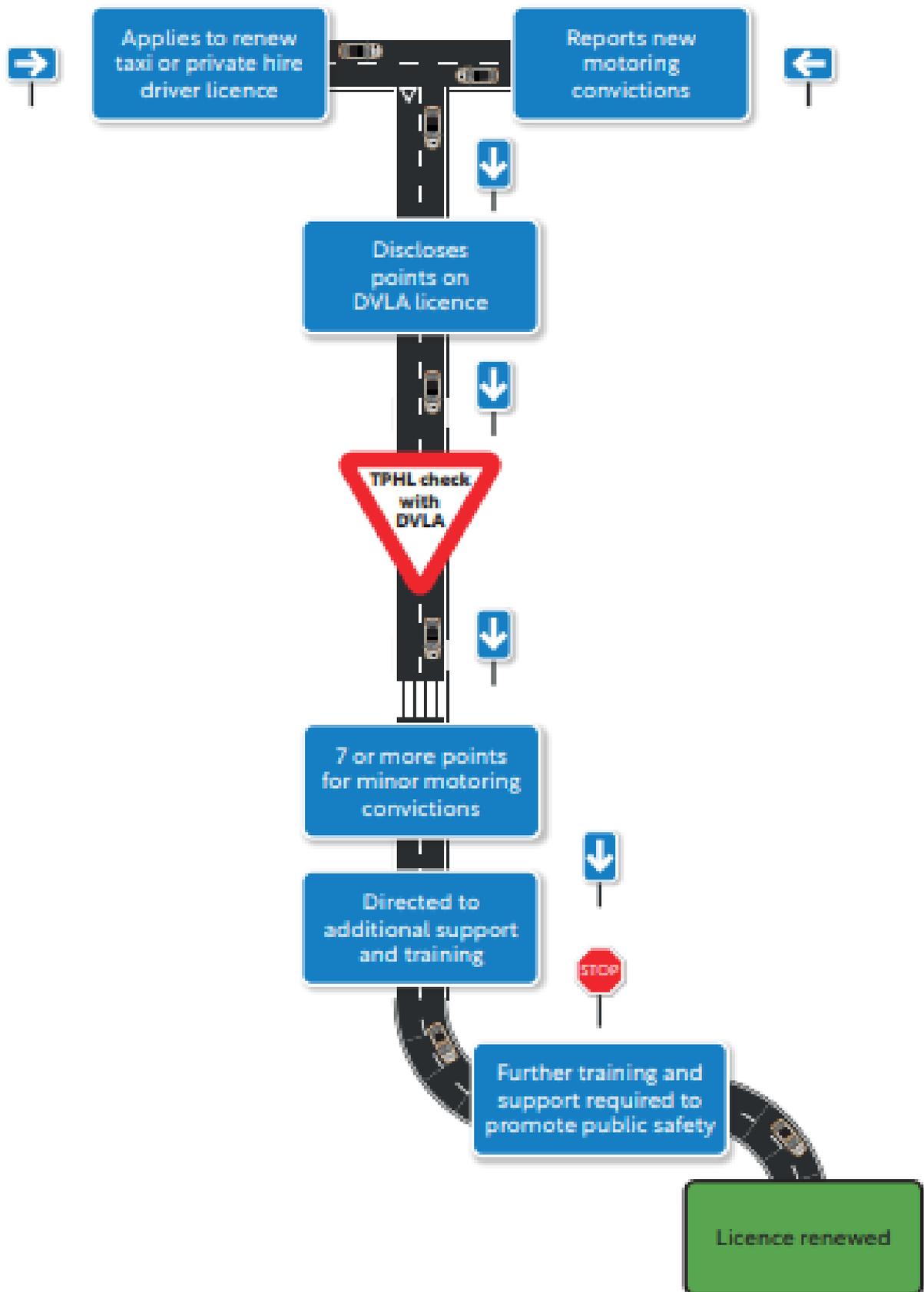
# NEW LICENCE APPLICATION PROCESS



# LICENCE RENEWAL AND CONVICTION REPORTING PROCESS 9 OR MORE POINTS



# LICENCE RENEWAL AND CONVICTION REPORTING PROCESS 7 OR MORE POINTS



### Appendix 3 Equality, Diversity, Cohesion and Integration Screening

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**.

Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being or has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

|   |  |
|---|--|
| <b>Directorate: Communities &amp; Environment</b> | <b>Service area: Taxi &amp; Private Hire Licensing</b> |
| <b>Lead person: Andrew White</b>                  | <b>Contact number: 3781561</b>                         |

#### 1. Title: Equality Impact Assessment of changes to the council's Suitability and Convictions policy for taxi and private hire licence holders – 7 points for minor motoring convictions

Is this a:

Strategy / Policy     
  Service / Function     
 Other

If other, please specify

#### 2. Please provide a brief description of what you are screening

We are screening the equality impact assessment of a proposed change in the following, to be considered at the council's Executive Board meeting on 21 September 2022.

Adopting a new criteria for taxi and private hire licence holders relating to minor motoring convictions.

The current standards, retained from the council's previous Convictions policy, allow applicants to start their taxi and private hire career with 12 points on their licence. They also allow licence holders to retain and renew their licence when they accumulate new points, provided they do not exceed 12 points. Drivers currently licensed with more than 12 points and indicated with an asterisk in the table above, will be in the process of appealing against the points issued against them.

Leeds City Council Licensing Committee recommendation, August 2022:

- Applications for a new taxi or private hire driver licence will not be granted when an applicant has 7 or more points for minor motoring convictions showing on their driving licence.
- Existing licence holders reaching 7 or more points for minor motoring convictions will receive a warning and will only be required to attend appropriate training.
- Existing licence holders reaching 9 points or more for minor motoring convictions and who have previously attended training under this policy may have their licence refused or revoked dependent on the individual circumstances of the driver concerned and offences committed. In considering such action, the intention of the policy will be to only refuse or revoke a licence where there are very clear concerns for public safety.
- For an initial 12 month pilot, the decision whether to revoke a licence on the basis of minor motoring convictions will be determined by a Licensing Sub Committee.

### 3. Relevance to equality, diversity, cohesion and integration

All the council's strategies and policies, service and functions affect service users, employees or the wider community – city wide or more local. These will also have a greater or lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation. Also those areas that impact on or relate to equality: tackling poverty and improving health and well-being.

| Questions   | Yes | No |
|---|-----|----|
| Is there an existing or likely differential impact for the different equality characteristics?                                    | x   |    |
| Have there been or likely to be any public concerns about the policy or proposal?   | x   |    |
| Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom? | x   |    |
| Could the proposal affect our workforce or employment practices?  | x   |    |

|  |   |  |
|--|---|--|
| <p>Does the proposal involve or will it have an impact on</p> <ul style="list-style-type: none"> <li>• Eliminating unlawful discrimination, victimisation and harassment</li> <li>• Advancing equality of opportunity</li> <li>• Fostering good relations</li> </ul> | x |  |
|--|---|--|

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

|   |
|---|
| <b>4. Considering the impact on equality, diversity, cohesion and integration</b>   |
| <p>If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.</p> <p>Please provide specific details for all three areas below (use the prompts for guidance).</p>  |
| <ul style="list-style-type: none"> <li>• <b>How have you considered equality, diversity, cohesion and integration?</b><br/> <b>(think about</b> the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected).</li> </ul> <p style="margin-left: 40px;">a) The proposals aim to replace the council’s current Suitability and Convictions policy criteria for minor motoring convictions. This will set out how whether and for how long the council would refuse a licence to an applicant or current licence holder with 7 points or more on their DVLA licence.</p> <p>The proposals would replace the current criterion, retained from the previous convictions policy with a new policy more closely aligned to the national policy developed by Institute of Licensing, Local Government Association, National Association of Licensing and Enforcement Officers and Lawyers for Local Government in 2018, and endorsed by the Department of Transport in 2020.</p> <p style="margin-left: 40px;">b) The proposals will potentially lower the threshold at which</p> <p style="margin-left: 80px;">New applicants may have an application refused.</p> <p style="margin-left: 80px;">Existing licence holders may have their licence reviewed.</p> |

The proposed policy would require that an applicant with 7 or more points on their driving licence for minor motoring convictions could result in a licence being refused for 3 years, compared to licences only being refused when a driver reaches 12 points on their licence in the current convictions policy criteria.

The policy states that an existing licence holder with 7 or 8 points on their driving licence for minor motoring convictions would be required to undergo additional training or other measures for the council to be satisfied they can continue to work. Existing licence holders with 9 or more points would be required to attend additional training, and could result in a licence being revoked and refused for 3 years, compared to licences only being refused when a driver reaches 12 points on their licence in the current policy.

However, there are two aspects which would need to be taken into account:

- i) The impact on the Leeds taxi and private hire trade;
- ii) The impact on people who use taxi and private hire vehicles.

*i) Leeds taxi and private hire drivers have a profile which has higher percentages of the following:*

Men (98.5%)

People from a BME background (79%)

People from a Muslim faith (72%)

(Based on Leeds survey of 1637 drivers in 2014)

Median salary of taxi or private hire driver is £18,545 or £8.04 per hour ([www.payscale.com](http://www.payscale.com))

*ii) Nationally, there is evidence to suggest that the following people are more likely to use taxi and private hire vehicles:*

Women. In 2020, on average, women made more taxi or PHV trips than men (12 trips per person vs. 10 trips per person). This remains true for women of all ages above 16 years old.

[Taxi and Private Hire Vehicle Statistics: England 2021 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/92422/taxi-and-private-hire-vehicle-statistics-england-2021.pdf)

Disabled people and people with mobility difficulties. In 2020, the number of taxi or PHV trips made by adults aged 16 or over with mobility difficulties has increased from 16 trips per person per year in 2010 to 21 trips per person per year. Similar to the previous year, adults with mobility difficulties use taxis or PHVs more than people who do not (21 trips per person vs. 10 trips per person).

Taxi or PHV usage makes up 3% of all trips for those with mobility difficulties, compared to just 1% for those without mobility difficulties. These figures have remained broadly stable since 2010.

[Taxi and Private Hire Vehicle Statistics: England 2021 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/92422/taxi-and-private-hire-vehicle-statistics-england-2021.pdf)

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

- a) The proposed changes in Suitability and Convictions policy will have an impact on **applicants** wishing to work as taxi or private hire drivers in Leeds who have 7 or more points on their licence. It may require some applicants to wait until the period for a conviction has expired before they are able to get a licence. However, because this proposed policy is broadly the same in neighbouring licensing authorities, those applicants will gain no advantage by applying to a neighbouring authority.
- i) Applicants to work as taxi or private hire license holders in Leeds are disproportionately male, of a BME background and Muslim, and therefore it is likely that a change in driver background checks relating to arrests, cautions, convictions and driving history will impact on those people disproportionately.
  - ii) Passengers are likely to be disproportionately female, and wheelchair users, or with some other mobility difficulty.

The proposed changes in suitability and convictions policy requires further reviews of the DVLA licences (e.g. type of conviction, date when points are reduced/removed) of all applicants, which will help Leeds make good licensing decisions. The good licensing decisions will be of benefit to all passengers, and will benefit disabled passengers and those passengers using guide or assistance dogs.

- b) The proposed changes in Suitability and Convictions policy will have an impact on **current licence holders**, particularly when new penalty points take place, owing to the lower threshold of 7 (training) and 9 (training, then possible revocation), from 12 points. However, because this policy is broadly the same in neighbouring licensing authorities, those applicants will gain no advantage by applying to a neighbouring authority.
- iii) Licence holders in Leeds are disproportionately male, of a BME background and Muslim, and therefore it is likely that a change in driver background checks relating to arrests, cautions, convictions and driving history will impact on those people disproportionately.
  - iv) Passengers are likely to be disproportionately female, and wheelchair users, or with some other mobility difficulty.

The proposed changes in suitability and convictions policy enables further checks on existing licence holders, i.e. when new points are accrued and reported, or discovers and not reported, or when licences are renewed, which will help Leeds make good licensing decisions. The good licensing decisions will be of benefit to all passengers, and will benefit disabled passengers and those passengers using guide or assistance dogs.

- **Actions**

**(think about** how you will promote positive impact and remove/ reduce negative impact)

The proposed change in Suitability Minor motoring convictions is not believed to be a major change for applicants. It is reasonable that new applicants to work in the taxi and private hire industry meet the industry wide standards for their suitability to work.

The proposed change in Suitability and Convictions is believed to be potentially a major change for existing licence holders, particularly the changes affecting licences for people with 7-8 penalty points on their licence (training) or 9+ points (training, then potential revocation).

As of July 2022, 1015 out of 6019 drivers licensed in Leeds, (17%), had declared points to the licensing authority. This means that 83% of taxi and private hire drivers have zero points on their licence, recognising the positive standards adopted by the overwhelming majority of taxi and private hire drivers in Leeds. Of the drivers with points on their licence, 718 have 3 points, and 943 have 3-6 points. Only 72, just over 1% of all taxi and private hire drivers, have 7 or more points. As shown in the table below there is a concentration of drivers with points at 3 and 6 points, and to a lesser degree, 9 points, indicating that the majority of minor motoring convictions impose 3 penalty points.

| <b>Points</b> | <b>Private Hire Driver</b> | <b>Hackney Carriage Driver</b> | <b>Total</b> |
|---------------|----------------------------|--------------------------------|--------------|
| <b>3</b>      | 612                        | 106                            | 718          |
| <b>4</b>      | 10                         | 1                              | 11           |
| <b>5</b>      | 6                          | 2                              | 8            |
| <b>6</b>      | 170                        | 36                             | 206          |
| <b>7</b>      | 1                          | 1                              | 2            |
| <b>8</b>      | 13                         | 3                              | 16           |
| <b>9</b>      | 39                         | 7                              | 46           |
| <b>11</b>     | 2                          | 2                              | 2            |
| <b>12</b>     | 4                          | 2                              | 4            |
| <b>15*</b>    | 0                          | 1                              | 1            |
| <b>16*</b>    | 1                          | 0                              | 1            |

In these cases, the council plans to review the licence:

- At the licence renewal date (i.e. historic issues the council has already considered, will not be considered again);
- When new convictions or penalty points are reported or discovered.

The council will inform all licence holders and trade representatives of the changes.

**5. If you are *not* already considering the impact on equality, diversity, cohesion and integration you *will need to carry out an impact assessment.***

Date to scope and plan your impact assessment:

Date to complete your impact assessment

Lead person for your impact assessment

(Include name and job title)

**6. Governance, ownership and approval**

Please state here who has approved the actions and outcomes of the screening

| Name         | Job title                             | Date       |
|--------------|---------------------------------------|------------|
| Andrew White | Taxi & Private Hire Licensing Manager | 11/08/2022 |

**7. Publishing**

Though **all** key decisions are required to give due regard to equality the council **only** publishes those related to **Executive Board, Full Council, Key Delegated Decisions** or a **Significant Operational Decision**.

A copy of this equality screening should be attached as an appendix to the decision making report:

- Governance Services will publish those relating to Executive Board and Full Council.
- The appropriate directorate will publish those relating to Delegated Decisions and Significant Operational Decisions.
- A copy of all other equality screenings that are not to be published should be sent to [equalityteam@leeds.gov.uk](mailto:equalityteam@leeds.gov.uk) for record.

Complete the appropriate section below with the date the report and attached screening was sent:

14/06/2021

|  |                       |  |  |
|--|-----------------------|--|--|
| For Executive Board or Full Council – sent to <b>Governance Services</b>                               | Date sent:            |  |  |
| For Delegated Decisions or Significant Operational Decisions – sent to appropriate <b>Directorate</b>  | Date sent:            |  |  |
| All other decisions – sent to <a href="mailto:equalityteam@leeds.gov.uk">equalityteam@leeds.gov.uk</a> | Date sent: 11/08/2022 |  |  |
| <b>Date screening completed</b>  |                       |  |  |

**EXECUTIVE BOARD**

**WEDNESDAY, 21ST SEPTEMBER, 2022**

**PRESENT:** Councillor J Lewis in the Chair

Councillors S Arif, A Carter, S Golton,  
D Coupar, M Harland, H Hayden, J Pryor,  
M Rafique and F Venner

**RESOURCES**

**43 Taxi & Private Hire Licensing - Results of consultation on suitability (minor motoring convictions)**

Further to Minute No. 95, 16<sup>th</sup> October 2019, the Director of Communities, Housing and Environment submitted a report on the regional and national initiatives to review and update hackney carriage (taxi) and private hire policies and ways of working which the Council had participated in, with specific reference to the Council's approach to suitability and whether an individual was a fit and proper person to hold a licence. The report set out the results of consultation undertaken regarding proposed changes to one of the criteria within the Council's Suitability and Convictions policy for taxi and private hire licence holders which related to points on individuals' driving licences for minor motoring convictions, and which presented the Licensing Committee's recommendation for a revised criterion on such matters, as considered by that Committee at its meeting on 9<sup>th</sup> August 2022 (Minute No. 18 refers).

In introducing the report, the Executive Member for Resources emphasised the key role played by the taxi and private hire trade across the city, provided details on the actions and range of consultation and engagement which had taken place since the Council's adoption of the Suitability and Convictions policy in 2019 which had led to the current position, and highlighted the proposals which were submitted for consideration to the Board regarding its policy for minor motoring convictions, as recently recommended by the Licensing Committee.

In considering the matter, a Member raised concerns regarding the proposals and questioned whether they were a proportionate response when considering the number of drivers which would be affected by such proposals. Concerns were also raised in respect of elements of the consultation undertaken, and as such made a request that this issue be referred to the appropriate Scrutiny Board prior to any final decisions being taken, so that the matter, together with any findings from Scrutiny Board, could be revisited and determined by Executive Board at the appropriate time.

In response, it was highlighted that the proposals being put forward were in line with Statutory Guidance, as issued by the Department for Transport, and would be consistent with the approach which had been adopted by other West Yorkshire and York Authorities.

The Board acknowledged the comments made during the discussion, including the specific request to refer this matter to the relevant Scrutiny Board, however, in conclusion, it was

**RESOLVED –**

- (a) That following consideration of this matter by the Licensing Committee on 9th August 2022, the following be agreed as the basis for the Council's new policy for minor motoring convictions:-
- (i) Applications for a new taxi or private hire driver licence will not be granted when an applicant has 7 or more points for minor motoring convictions showing on their driving licence;
  - (ii) Existing licence holders reaching 7 or more points for minor motoring convictions will receive a warning and will only be required to attend appropriate training;
  - (iii) Existing licence holders reaching 9 points or more for minor motoring convictions and who have previously attended training under this policy may have their licence refused or revoked dependent on the individual circumstances of the driver concerned and offences committed. In considering such action, the intention of the policy will be to only refuse or revoke a licence where there are very clear concerns for public safety.
- (b) That it be noted that the Licensing Committee has determined that for an initial 12-month pilot, any decision to revoke a licence on the basis of minor motoring convictions will be determined by a Licensing Sub Committee.

(Under the provisions of Council Procedure Rule 16.5, Councillor A Carter required it to be recorded that he voted against the decisions referred to within this minute)